

February 25, 2002

**Stephanie Harlan, Chairperson  
Monterey Bay National Marine Sanctuary Advisory Council**

Dear Stephanie:

It is disheartening that you, as the Chairperson of the Sanctuary Advisory Council (SAC), have for the first time in the history of the Monterey Bay National Marine Sanctuary Advisory Council have prevented a SAC member from sitting on a subcommittee of the SAC. At the December 7, 2001 SAC meeting you asked for volunteers for the SAC appointment selection subcommittee. I volunteered because I felt it was important for the diving representative on the SAC to provide the subcommittee with diving community input concerning my successor. You made no mention of your objection to me being on the subcommittee at that meeting. Instead you secretly directed our SAC coordinator to send appointment application packets to all other subcommittee members except me. Only upon asking our SAC coordinator where my packet was did I find out that you had removed me from the subcommittee.

When I asked you why you had removed me from the subcommittee you said the reason was that I had disclosed last year that in four of nine instances our Sanctuary Superintendent had thrown out all three applicants that the SAC subcommittee had recommended for those four positions. You said this was an embarrassing situation and that you did not expect the Sanctuary to change their ways. You said that when this situation occurs again it should be kept secret from both SAC members and from the public. Therefore I was removed from the subcommittee because I would have disclosed this situation if it occurred again.

I respectfully disagree. When the Sanctuary was created the public was told it would have a strong voice in the Sanctuary via the Sanctuary Advisory Council. When the Sanctuary compromises the public voice by manipulating the SAC appointment process I feel we as SAC members have a duty to inform both the public and all SAC members.

As chairperson of the SAC you should be aware of the fact that the City of Monterey, the City of Morro Bay, the Association of Monterey Bay Area Governments, the Port of San Luis Harbor District, the San Mateo County Harbor District, the Moss Landing Harbor District, the California Marine Affairs Conference, the California Association of Harbor Masters and Port Captains, the Monterey County Hospitality Industry, and numerous members of the public have gone on record demanding SAC appointment process reform. The public is demanding action on this issue and attempting to hide the issue from SAC members and the public is not appropriate.

This letter also confirms the telephone conversation we had on February 20, 2002 that the diving community wants the Diving Representative and the Alternate Diving Representative on the SAC to be selected from the following applicants:

Kevin McDonnell

Berkley White

Jesus Ruiz

These names are being submitted by both Ed Cooper, the current Alternate Diving Representative and myself as the current Diving Representative on the SAC. Both Mr. Cooper and I have consulted with the diving community (Dive shops, dive instructors, Cen-Cal, dive clubs, etc.) in selecting these applicants. The applicants were selected based upon their desire to protect our marine resources, their ability to represent the diving community, their knowledge of diving related issues, and the diving community's acceptance of these people as diving representatives.

Sincerely,

  
David R. Clayton, Diver Representative  
MBNMSAC